

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

JEFF COLLINS,

Plaintiff,

v.

CITY OF PITTSBURGH, CHIEF OF POLICE
NATHAN HARPER, OFFICER FREEMAN,
OFFICER SHANAHAN and
OFFICER ROSETTA,

Defendants.

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CIVIL DIVISION

No. G.D. 08-18532

CODE: 011

COMPLAINT IN CIVIL ACTION

Filed on Behalf of Plaintiff

Counsel of Record for this Party:

Timothy P. O'Brien, Esquire

PA I. D. #22104

1705 Allegheny Building
429 Forbes Avenue
Pittsburgh, PA 15219
(412) 232-4400

FILED

10 MAY -4 PM 4:02

DEPT. OF COURT RECORDS
CIVIL/FAMILY DIVISION
ALLEGHENY COUNTY, PA

A JURY TRIAL IS DEMANDED

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

JEFF COLLINS,)	CIVIL DIVISION
)	
Plaintiff,)	No. G.D. 08-18532
)	
v.)	
)	
CITY OF PITTSBURGH, CHIEF OF POLICE)	
NATHAN HARPER, OFFICER FREEMAN,)	
OFFICER SHANAHAN and)	
OFFICER ROSETTA,)	
)	
Defendants.)	

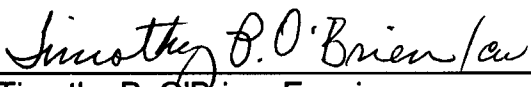
NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served by entering a written appearance personally or by an attorney and filing, in writing, with the court, your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU SHOULD NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERRAL SERVICE
ALLEGHENY COUNTY BAR ASSOCIATION
400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 261-6161



Timothy P. O'Brien, Esquire

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

JEFF COLLINS,)	CIVIL DIVISION
)	
Plaintiff,)	No. G.D. 08-18532
)	
v.)	
)	
CITY OF PITTSBURGH, CHIEF OF POLICE)	
NATHAN HARPER, OFFICER FREEMAN,)	
OFFICER SHANAHAN and)	
OFFICER ROSETTA,)	
)	
Defendants.)	

COMPLAINT IN CIVIL ACTION

1. The plaintiff Jeff Collins is an adult individual residing in the City of Pittsburgh, County of Allegheny, Commonwealth of Pennsylvania.

2. The City of Pittsburgh is a municipality within the Commonwealth of Pennsylvania, with a principal place of business located at 414 Grant Street, Pittsburgh, Pennsylvania 15219, which at all times relevant hereto, was authorized to and did operate and maintain a police department. Defendant City of Pittsburgh was acting by and through its duly authorized agents, employees and/or assigns, who were then and there acting within the course and scope of their employment and under the color of state law.

3. Defendant Nathan Harper is an adult individual residing in the City of Pittsburgh, County of Allegheny, Commonwealth of Pennsylvania. Defendant Harper is the Chief of Police of the City of Pittsburgh Police Department. He is sued in his individual capacity. This defendant, at all times relevant hereto, had the day-to-day responsibility to ensure the City of Pittsburgh police officers were properly trained,

supervised, and disciplined, and who also, at all times relevant hereto, had knowledge, and/or was on notice, that City of Pittsburgh police officers had used their official powers and authority to retaliate against citizens on account of protected first amendment speech, including false arrests, the use of excessive and unnecessary force, and the filing of false and malicious criminal charges. Despite such knowledge, this defendant failed to take action to stop and/or curtail such conduct and/or otherwise acquiesced in such custom, practice or policy.

4. Defendant Officer Freeman is an adult individual residing in the City of Pittsburgh, County of Allegheny, Commonwealth of Pennsylvania, who at all times relevant hereto, was employed as a City of Pittsburgh police officer and who with respect to the events alleged herein, was acting under the color of state law and in accordance with the custom, practices and/or policies of the defendant City of Pittsburgh.

5. Defendant Officer Shanahan is an adult individual residing in the City of Pittsburgh, County of Allegheny, Commonwealth of Pennsylvania, who at all times relevant hereto, was employed as a City of Pittsburgh police officer and who with respect to the events alleged herein, was acting under the color of state law and in accordance with the custom, practices and/or policies of the defendant City of Pittsburgh.

6. Defendant Officer Rosetta is an adult individual residing in the City of Pittsburgh, County of Allegheny, Commonwealth of Pennsylvania, who at all times relevant hereto, was employed as a City of Pittsburgh police officer and who with respect to the events alleged herein, was acting under the color of state law and in accordance with the custom, practices and/or policies of the defendant City of Pittsburgh.

FACTUAL ALLEGATIONS

7. On or about September 21, 2006, plaintiff Jeff Collins, was lawfully operating a motorcycle on or about Fifth Avenue in the "Oakland" section of the City of Pittsburgh.

8. While operating such motorcycle, the individual defendant police officers were on patrol, operating an unmarked vehicle, in plain clothes with no ostensible indicia that they were City of Pittsburgh police officers.

9. The defendant police officers, pursued and stopped plaintiff while operating his motorcycle as aforesaid.

10. Plaintiff may critical remarks about the police officers, including the fact, that they should not have been pursuing him in an unmarked vehicle in plain clothes, and that they were not real police.

11. After plaintiff's motorcycle had been stopped by the individual defendant officers, such officers, without any reasonable basis or justification for doing so, used unnecessary and excessive force causing plaintiff to sustain serious bodily harm and injury.

12. The individual defendant officers, without probable cause and/or any other reasonable suspicion or basis, falsely charged the plaintiff with fleeing and eluding, and other serious criminal charges.

13. At all times relevant hereto, the false criminal charges brought against plaintiff, were dismissed for failure to present a prima facie case as to any such charges.

14. At all times relevant hereto, the defendant Harper was responsible in his capacity as the Chief of Police for the training, supervision, and discipline of police officers under his command.

15. At all times relevant hereto, the defendant Harper was aware and/or had knowledge that City of Pittsburgh police officers had initiated police actions in retaliation for protected First Amendment speech, including false arrests, excessive force, and the filing of false and malicious criminal charges, and despite such knowledge fail to adequate precautions to prevent such conduct from occurring.

16. At all times relevant hereto, the defendant Harper was aware and/or had knowledge of citizen complaints that City of Pittsburgh police officers had used excessive force in carrying out their duties, and failed to take adequate precautions to prevent such conduct from occurring.

17. As a direct result of the defendants' conduct as hereinbefore described, plaintiff has sustained physical injuries, severe emotional distress, incurred medical expenses, suffered lost wages and loss of earning capacity.

18. As a direct result of the defendant's conduct as hereinbefore described, plaintiff suffered a violation of his rights under the 4th amendment to be free from false arrest, the use of excessive force, and the filing of false and malicious charges.

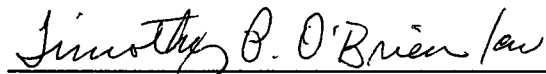
19. As a direct result of the defendants' conduct as hereinbefore described, plaintiff's rights under the first amendment to the United States Constitution were violated in that the individual defendant officers actions were motivated or prompted by the plaintiff's complaints about their conduct.

20. As a direct result of the defendant Harper's and the City of Pittsburgh's deliberate indifference to the constitutional rights of citizens, plaintiff's rights under the substantive due process clause of the fourteenth amendment to the United States Constitution were violated.

21. The violation of the aforesaid constitutional rights is made actionable against the defendants pursuant to the Civil Rights Act of 1871, as amended, 42 U.S.C. section 1983.

WHEREFORE, plaintiff requests this Honorable Court to enter judgment in his favor against all defendants for compensatory damages, and for punitive damages against the defendants named in their individual capacities, as well as the recovery of costs and attorneys fees and other such relief as the Court deems just and equitable under the circumstances.

Respectfully submitted,

Handwritten signature of Timothy P. O'Brien in cursive script.

Timothy P. O'Brien, Esquire
PA I.D. #22104
1705 Allegheny Building
429 Forbes Avenue
Pittsburgh, PA 15219

Attorney for plaintiff

VERIFICATION

I verify that the statements made in the foregoing Complaint, are true and correct to the best of my knowledge or information and belief. I understand that false statements herein are subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Dated: May 4th 2010



JEFF COLLINS